

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FERRARI CLUB OF AMERICA, INC.,

Plaintiff,

vs.

LEON BOURDAGE,

Defendant.

**DEFENDANT'S
NOTICE OF MOTION
IN LIMINE TO DISMISS**

Index No. 12-CV-06530

PLEASE TAKE NOTICE THAT, based upon the Affirmation of Timothy P. Lyster, Esq., dated April 3, 2017, and for the reasons set forth in defendant's memorandum of law in support of his motion *in limine*, Defendant, by his attorneys, Woods Oviatt Gilman LLP, will move this Court, before the Hon. Elizabeth A. Wolford, United States District Judge, at the United States Courthouse located at 100 State Street, Rochester, New York 14614, on April 4, 2017 at 3:00p.m., or such other date and time as determined by the Court, for an order granting defendant's motion *in limine* to dismiss for failure to state a claim under Federal Rules of Civil Procedure 12(b)(6), 12(c) 12(h)(2)(C) and/or (B), and for such other relief that is just and proper. Defendants intend to file and serve reply papers.

Date: April 3, 2017
Rochester, New York

WOODS OVIATT GILMAN LLP

By: /s/ Timothy P. Lyster
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Timothy P. Lyster, Esq.
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